

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

DANDREKA GRIGGS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:19cv362-ECM-SMD
)	
CITY OF LANETT and LANETT)	
POLICE DEPARTMENT,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

The above-styled case was removed to this Court on May 22, 2019, based upon original jurisdiction under 28 U.S.C. § 1331. (Doc. 1). Contemporaneously with removal, Defendants filed a Motion to Dismiss (Doc. 2), asserting that Plaintiff failed to state a claim upon which relief could be granted. The United States Magistrate Judge previously assigned to the case entered an order directing Plaintiff to show cause, if any there be, why Defendants' Motion to Dismiss should not be granted. (Doc. 8). The order afforded Plaintiff until July 9, 2019, to respond, but Plaintiff filed no response. *Id.*

The undersigned subsequently entered an order directing Plaintiff to show cause, if any there be, why this action should not be dismissed for failure to prosecute and abide by orders of the Court. (Doc. 9). Plaintiff was also ordered to show cause why Defendants' Motion to Dismiss should not be granted if she intended to pursue her suit. *Id.* Plaintiff was afforded until August 19, 2019, to respond. As of today, Plaintiff has filed no response.

Accordingly, it is the

RECOMMENDATION of the undersigned Magistrate Judge that Defendants' Motion to Dismiss (Doc. 2) be GRANTED and that this case be DISMISSED. It is further

ORDERED that the parties are DIRECTED to file any objections to the said Recommendation on or before **October 10, 2019**. A party must specifically identify the factual findings and legal conclusions in the Recommendation to which objection is made; frivolous, conclusive, or general objections will not be considered. Failure to file written objections to the Magistrate Judge's findings and recommendations in accordance with the provisions of 28 U.S.C. § 636(b)(1) shall bar a party from a *de novo* determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of the party to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11th Cir. R. 3-1; *see Stein v. Lanning Secs., Inc.*, 667 F.2d 33 (11th Cir. 1982); *see also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (*en banc*). The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

DONE this 26th day of September, 2019.

/s/ Stephen M. Doyle
UNITED STATES MAGISTRATE JUDGE